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19                  *Attorneys for Defendants Rapid  
Financial Solutions, Inc., Axiom Bank N.A.,  
and Keefe Commissary Network, LLC*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CHRISTOPHER WATKINS on behalf of  
himself and all others similarly situated,

Case No.: 3:20-cv-00509-MMD-CSD

Plaintiff,

V.

RAPID FINANCIAL SOLUTIONS, INC.  
d/b/a ACCESS FREEDOM CARDS;  
AXIOM BANK N.A.; KEEFE  
COMMISSARY NETWORK, LLC, d/b/a  
ACCESS SECURE RELEASE; and DOES 1-  
50,

## Defendants.

## **STIPULATION AND ORDER REGARDING CLASS NOTICE**

Plaintiff CHRISTOPHER WATKINS (“Plaintiff”), by and through his counsel of record, and Defendants RAPID FINANCIAL SOLUTIONS, INC. d/b/a ACCESS FREEDOM CARDS, AXIOM BANK N.A., and KEEFE COMMISSARY NETWORK, LLC (“Defendants”) (collectively, the “Parties”), by and through their undersigned counsel of record, and pursuant to Local Rule (“LR”) 7-1, hereby stipulate and agree as to the form and content of the proposed Notice of Pendency of Class Action (“Notice”), attached hereto as Exhibit A.

The Parties further stipulate and agree to the following distribution plan regarding the Notice:

Deadline for Defendants to Provide Class Data to Third Party Administrator	January 13, 2023
Deadline for Third Party Administrator to Mail Notice to Class Members	21 Days Following Third Party Administrator's Receipt of Class Data
Deadline for Class Members to Postmark Request for Exclusion from Lawsuit	30 Days Following Third Party Administrator's Mailing of the Notice

1       The Parties hereby request Court approval of the aforementioned Notice for  
2 dissemination to potential class members in accordance with the foregoing distribution plan.

3       Dated this 19<sup>th</sup> day of December 2022.

4       THIERMAN BUCK, LLP

5       */s/ Leah L. Jones*

6       Mark R. Thierman, No. 8285  
7       Joshua D. Buck, No. 12187  
8       Leah L. Jones, No. 13161  
9       Joshua R. Hendrickson, No. 12225  
10      7287 Lakeside Drive  
11      Reno, Nevada 89511

12      *Attorneys for Plaintiff Christopher Watkins*

13      Dated this 19<sup>th</sup> day of December 2022.

14      KAEMPFER CROWELL

15      */s/ George Verschelden*

16      Robert McCoy, No. 9121  
17      Ryan M. Lower, No. 9108  
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20      Las Vegas, Nevada 89135

21      STINSON LLP

22      George Verschelden (pro hac vice)  
23      1201 Walnut Street, Suite 2900  
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25      *Attorneys for Defendants Rapid Financial  
26      Solutions, Inc., Axiom Bank N.A., and Keefe  
27      Commissary Network, LLC*

28      ORDER

1       IT IS HEREBY ORDERED the Court approves, as to form and content, the Notice of  
2      Pendency of Class Action in substantially the form attached hereto as Exhibit A.

3       IT IS FURTHER ORDERED that the Court approves the Parties proposed distribution  
4      plan contained herein.

5       DATED: December 21, 2022

6         
7       \_\_\_\_\_  
8       U.S. Magistrate Judge

9      Exhibit List

10     Exhibit A: Proposed Notice of Pendency of Class Action

## **EXHIBIT A**

Notice of Pendency of Class Action

**EXHIBIT A**

**UNITED STATES DISTRICT COURT**

# **DISTRICT OF NEVADA**

CHRISTOPHER WATKINS,

Case No.: 3:20-cv-00509-MMD-CSD

Plaintiff,

V.

RAPID FINANCIAL SOLUTIONS, INC., et  
al.,

## Defendants.

## ATTENTION:

**If you received a prepaid release card when released from custody in the state of Nevada,  
this notice provides important information about your rights.**

*A court authorized this notice. This is not a solicitation from a lawyer.*

## **SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:**

<b>If you do nothing</b>	<p><b>Stay in this lawsuit. Await the outcome. Give up certain rights.</b></p> <p>By doing nothing, you may be eligible to receive money or benefits from a trial or a settlement, but you give up any rights to sue Defendants separately for the same claims in this lawsuit. You are also bound by any adverse decision by the Court.</p>
<b>You may ask to be excluded</b>	<p><b>Get out of this lawsuit. Get no benefits from it. Keep rights.</b></p> <p>If you ask to be excluded you will not participate in any money or benefits obtained in this lawsuit, but you may bring claims against Defendants elsewhere for the same legal claims.</p>

## I. WHY DID I GET THIS NOTICE?

You are receiving this notice because you were identified by Defendants as a person who may have received a release card during the time period covered by this case. The Court directed that this notice be sent to advise you and other potential class members of your rights and options that you may exercise before decisions are made on the merits of the claims that may affect your rights.

You are not a Class Member simply because you received this notice. Only individuals who fit the following definition are in the class:

1 All person[s] who, at any time since July 31, 2016[,] were: (1)  
 2 released from a jail, detention center, or prison located in the state  
 3 of Nevada, (2) entitled to the return of money either confiscated  
 4 from them or remaining in their inmate trust account when they were  
 5 released, (3) issued a prepaid debit card from Defendant RAPID  
 6 FINANCIAL SOLUTIONS or its affiliates, and/or Defendant  
 AXIOM BANK N.A. of Florida, and/or Defendant KEEFE  
 COMMISSARY NETWORK and were subject to fees, charges, and  
 restrictions, and (4) not offered an alternative method for return  
 of their money.

7 **II. WHAT IS THIS LAWSUIT ABOUT?**

8 When he was released from a detention facility, Plaintiff Watkins was provided a release  
 9 card with associated fees that contained the balance of his inmate trust account. Plaintiff alleges  
 10 that the fees charged on his release card are illegal under Nevada law. More specifically, Plaintiff  
 11 alleges that (1) the fees charged violate Nevada's Deceptive Trade Practices Act; (2) Defendants  
 12 have been unjustly enriched by taking money out of the cards as fees; (3) Defendants' fees  
 13 constitute conversion of their money; and (4) the fees charged constitute an unconstitutional  
 14 taking under the Nevada and U.S. Constitutions. Plaintiff also alleges that the fees charged for  
 15 the card violate the federal Electronic Fund Transfer Act. Defendants deny these claims and  
 16 allege that their conduct was lawful.

17 **III. WHY IS THIS LAWSUIT A CLASS ACTION?**

18 This lawsuit was filed as a class action because thousands of persons in addition to the Plaintiff  
 19 received money owed to them through Defendants' release cards. The Plaintiff agreed to  
 20 serve as a Class Representative on behalf of those persons. The Court decided that this lawsuit  
 21 can be a class action because: (1) there are thousands of individuals who were given release cards  
 22 upon being released from a correctional institution; (2) there are legal questions and facts that are  
 23 common to each of them; (3) the claims of the Class Representative are typical of the claims of  
 24 the rest of the class; (4) the Class Representative and the lawyers representing the Class will fairly  
 25 and adequately represent the Class's interests; and (5) a class action will be more efficient than  
 26 having many individual lawsuits.

27 More information and background regarding this lawsuit are available in the Court's  
 28 Order Certifying the Class, which is available at [insert class administrator information].

29 **V. WHAT IS BEING SOUGHT IN THE LAWSUIT?**

30 The lawsuit seeks actual and statutory damages under the Electronic Funds Transfer Act,  
 31 the Nevada Deceptive Trade Practices statutes, the Takings Clause under the Nevada and U.S.  
 32 Constitutions, in addition to common law claims for conversion and unjust enrichment, as well  
 33 as reasonable attorney's fees and costs. This would include the return of all money taken by  
 34 Defendants as fees on the release cards issued to Class members, as well as statutory damages  
 35 permitted by certain statutes.

## VI. WHAT ARE MY RIGHTS AND OPTIONS?

- You may do nothing at all.

By doing nothing you remain in the Class and may be eligible to obtain money or benefits from a judgment or settlement. As a Class Member, should the Court find in favor of the Defendants in a trial or otherwise, you would not be able to obtain recovery on those claims in any other lawsuit. Also, if you do nothing now, as a Class Member you will not be able to sue, or continue to sue, Defendants in any other proceeding for the legal claims that are the subject of this lawsuit even if no decision on the merits has been made in this lawsuit.

- You may ask to be excluded.

If you want to file your own case against Defendants, or continue one you already have begun, you need to exclude yourself from the Class. If you exclude yourself from the Class—sometimes called “opting-out” of the Class—you won’t get any money or benefits from this lawsuit. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action. If you bring your own claims against Defendants after you exclude yourself, you will have to hire and pay your own lawyer for that effort, and you will have to prove your claims. If you do exclude yourself so you can start or continue your own proceeding against Defendants, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations or other restrictions.

## **VII. HOW DO I ASK THE COURT TO EXCLUDE ME FROM THE CLASS?**

To exclude yourself from this case, you must mail an “Exclusion Request” in the form of a letter stating that you want to be excluded from *Watkins v. Rapid Financial Solutions, et al.* Be sure to include your name and address and sign the letter. You must mail your Exclusion Request postmarked by [insert date 30-days following the date of mailing], to: *Watkins v. Rapid Financial Solutions, et al.* Exclusion Request, [insert class administrator information]. You may also get an Exclusion Request form at the website, [insert class administrator website]. Please note that if you exclude yourself now you will not be permitted to re-enter the class at a later time, even if money is made available after trial or settlement.

### VIII. WHO REPRESENTS ME IN THIS CASE?

If you do not exclude yourself from the class, you will be represented by the law firm of Thierman Buck LLP. The Court determined that they are qualified to represent you and other Class Members as “Class Counsel.” They are experienced in handling similar cases. More information about this law firm, their practices, and their lawyers’ experience is available at [www.thiermanbuck.com](http://www.thiermanbuck.com). The contact information for Class Counsel is as follows:

### Class Counsel:

Mark R. Thierman

mark@thiermanbuck.com

1                   Joshua D. Buck  
2                   josh@thiermanbuck.com  
3                   Leah L. Jones  
4                   leah@thiermanbuck.com  
5                   Joshua R. Hendrickson  
6                   joshh@thiermanbuck.com  
7                   THIERMAN BUCK LLP  
8                   7287 Lakeside Drive  
9                   Reno, Nevada 89511

10                  If Class Counsel obtains money or benefits for the Class, they may ask the Court for fees  
11                  and expenses. You will not have to pay these fees and expenses. If the Court grants Class  
12                  Counsel's request, the fees and expenses will be either deducted from any money obtained for the  
13                  Class or paid separately by Defendants.

14                  You may hire your own lawyer if you wish. However, you are not required to hire your  
15                  own lawyer because Class Counsel is working on your behalf. Should you want your own lawyer  
16                  to appear in court for you instead of Class Counsel, you will need to retain and pay that lawyer  
17                  yourself.

## 18                  **IX.     WHAT HAPPENS NEXT?**

19                  The Honorable Miranda M. Du of the United States District Court for the District of  
20                  Nevada is presiding over this class action. The lawsuit is known as *Watkins v. Rapid Financial  
21                  Solutions, et al.*, 3:20-cv-00509-MMD-CSD. Unless the case is resolved by a settlement or  
22                  otherwise, Class Counsel will have to prove that the Defendants are liable at trial. A trial date has  
23                  not been set yet but if this case proceeds to trial, a jury or the judge will hear evidence and  
24                  arguments to help them decide whether the Class or Defendants are right about the claims in the  
25                  lawsuit. There is no guarantee that Class will prevail and receive any money. Class Counsel will  
26                  present the case for the Class. You do not need to attend the trial to be eligible for any money or  
27                  other benefits that are obtained on behalf of the class.

## 28                  **X.     HOW DO I GET MORE INFORMATION?**

29                  For information about your rights related to the lawsuit, you may refer to the information  
30                  at [insert class administrator website], or contact Class Counsel at the contact information listed  
31                  above.

32                  Do not call or write to the Court, or to the Clerk of the Court. Please address all inquiries  
33                  and writings to the Class Counsel as set forth above.